

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE  
W/S North Cove Road, 564 ft. E of c/l East Avenue  
7838 North Cove Road  
15th Election District  
7th Councilmanic District  
Anthony DiBartolomeo, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 93-141-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 19 ft. in lieu of the required 30 ft. for an addition; and a variance from Section 400.1 of the B.C.Z.R. to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of December, 1992 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 19 ft., in lieu of the required 30 ft., for an addition, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.1 of the B.C.Z.R. to permit an accessory structure (garage) to be located in the side yard, in lieu of the required rear yard, all in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the Department of Environmental Protection and Resource Management

recommendations to be submitted upon completion of their review of this matter.

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mn

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

December 2, 1992

Mr. and Mrs. Anthony S. DiBartolomeo  
7838 North Cove Road  
Baltimore, Maryland 21219

RE: Petition for Administrative Variance  
Case No. 93-141-A  
7838 North Cove Road

Dear Mr. and Mrs. DiBartolomeo:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mn  
encl.

ORDER RECEIVED FOR FILING  
Date 10/21/92  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 10/21/92  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 10/21/92  
By [Signature]

-2-

-3-



Petition for Administrative Variance  
to the Zoning Commissioner of Baltimore County

for the property located at 7838 North Cove Rd.  
which is presently zoned DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 19 ft. in lieu of the required 30 ft. and from Section 400.1 of the B.C.Z.R. to permit an accessory structure to be located in the side yard in lieu of the required rear yard.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):  
Anthony S. DiBartolomeo  
Anthony J. DiBartolomeo  
Susan M. DiBartolomeo  
Susan M. DiBartolomeo

Signature: [Signatures]

Address: 7838 North Cove Rd. 477-1850

City: Baltimore State: MD Zipcode: 21219

Attorney for Petitioner: [Signature]

Signature: [Signature]

Address: 7838 North Cove Rd. 477-1850

City: Baltimore State: MD Zipcode: 21219

Signature: [Signature]

Address: 7838 North Cove Rd. 477-1850

City: Baltimore State: MD Zipcode: 21219

Signature: [Signature]

Address: 7838 North Cove Rd. 477-1850

City: Baltimore State: MD Zipcode: 21219

Signature: [Signature]

Address: 7838 North Cove Rd. 477-1850

City: Baltimore State: MD Zipcode: 21219

Signature: [Signature]

Address: 7838 North Cove Rd. 477-1850

City: Baltimore State: MD Zipcode: 21219

Signature: [Signature]

Address: 7838 North Cove Rd. 477-1850

City: Baltimore State: MD Zipcode: 21219

Signature: [Signature]

Address: 7838 North Cove Rd. 477-1850

City: Baltimore State: MD Zipcode: 21219

Signature: [Signature]

Address: 7838 North Cove Rd. 477-1850

Affidavit in support of  
Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:  
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) here competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 7838 North Cove Rd.

Balto. MD 21219

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: *family is caring for infirmed grandfather who is bedridden & has a oxygen tank. bathroom bed is erected in dining room and the extra room is needed so that better care and privacy can be furnished to grandfather. the alternative to this would be confinement to a nursing home. this would cause financial hardship*

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

*Anthony S. DiBartolomeo*  
Anthony S. DiBartolomeo  
Susan M. DiBartolomeo  
Susan M. DiBartolomeo

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of October, 1992, before me, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared

*Anthony S. DiBartolomeo and Susan M. DiBartolomeo*  
Anthony S. DiBartolomeo and Susan M. DiBartolomeo

the Affiant(s) hereinafter personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

10-5-92

My Commission Expires: February 28, 1996

NOTARY PUBLIC

My Commission Expires: February 28, 1996

NOTARY PUBLIC

My Commission Expires: February 28, 1996

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My Commission Expires: February 28, 1996

These copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 7838 N. COVE RD.  
(address)

Beginning at a point on the WEST side of North Cove Rd (name of street)

street on which property fronts) which is 40' (number of feet of right-of-way width)

wide at the distance of 159' 56" (number of feet) EAST of the (north, south, east or west)

centerline of the nearest improved intersecting street EAST AVE. (name of street)

which is 40' (number of feet of right-of-way width) wide. \*Being Lot # 694

Block --- Section # --- in the subdivision of LODGE FOREST (name of subdivision)

as recorded in Baltimore County Plat Book # 10, Folio # 76, containing

15.910 sq. ft. also known as 7838 North Cove Rd. (square feet or acres) (property address)

and located in the 15 Election District, --- Councilmanic District.

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision Description as shown, instead state: "As recorded in Deed Liber ---, Folio ---, and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N. 87° 12' 13" E. 321.1 ft., S. 18° 27' 03" E. 87.2 ft., S. 62° 19' 00" W. 318 ft., and N. 08° 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15TH Date of Posting: 11/11/92

Posted for: Anthony S. DiBartolomeo

Petitioner: Anthony S. DiBartolomeo

Location of property: 7838 North Cove Rd. Baltimore, MD

Location of signs: Along road, on property of Petitioner

Remarks: None

Posted by: Michelle Date of return: 1/22/93

Number of Signs: 1

Account: R-001-6189

Number: 189300140

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Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

NOVEMBER 4, 1992 (410) 887-3353

Anthony and Susan DiBartolomeo  
7838 North Cove Road  
Baltimore, Maryland 21219

Re: CASE NUMBER: 93-141-A  
LOCATION: N/8 North Cove Road, 564' E of c/1 East Avenue  
7838 North Cove Road  
15th Election District - 7th Councilmanic

Dear Petitioner(s):

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before November 15, 1992. The closing date is November 30, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set to for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be posted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner, Baltimore County

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Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

November 16, 1992 (410) 887-3353

Mr. and Mrs. Anthony J. DiBartolomeo  
7838 North Cove Road  
Baltimore, MD 21219

RE: Case No. 93-141-A, Item No. 140  
Petitioner: Anthony J. DiBartolomeo, et ux  
Petition for Administrative Variance

Dear Mr. and Mrs. DiBartolomeo:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 21st day of October, 1992.

*Carl J. Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*W. Carl Richards*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Anthony J. DiBartolomeo, et ux  
Petitioner's Attorney:

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BPW/Developers Engineering Division  
Development Review Committee Response Form  
Authorized signature: *Dennis A. Kennedy* 11/16/92

File Number: 93-141-A  
Project Name: 7838 North Cove Road  
Meeting Date: 11-16-92

DED DEPRM RP STP TE 140 NC  
DED DEPRM RP STP TE 149 NC  
DED DEPRM RP STP TE 149 NC  
DED DEPRM RP STP TE 150 NC  
DED DEPRM RP STP TE 151 Comment  
DED DEPRM RP STP TE 152 NC  
DED DEPRM RP STP TE 153 NC  
DED DEPRM RP STP TE 154 Comment  
DED DEPRM RP STP TE 155 NC

COUNT 7  
Stonegate at Patapsco (Aerial Property)  
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1  
FINAL TOTALS  
COUNT 9

Rec'd 11/17/92

SHA Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Julia Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: #140 (JCM)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*David N. Ramsey* 11/5/92  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_  
Teletypewriter for Impaired Hearing or Speech  
343-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-402-5065 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

Rec'd 11/5/92

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: November 12, 1992

FROM: Ervin Mc Daniel, Chief  
Office of Planning and Zoning  
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee  
(November 9, 1992)

The Office of Planning and Zoning has no comments on the following petition(s):

Anthony and Susan DiBartolomeo, [redacted]  
Irving and Joyce Bauer, Item No. 149  
Andrew I. David, Item No. 150  
John and Brenda Morgan, Item No. 152  
Michael and Nadine Bertazon, Item No. 153

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*  
Division Chief: *Ervin McDaniel*  
ENC/D/PN:rdn

140/53.ZAC/ZAC1

BPW/Traffic Engineering and  
Development Review Committee Response Form  
Authorized signature: *Arnold Jablon* 11/16/92

Project Name: 7838 North Cove Road  
File Number: 93-141-A  
Meeting Date: 11-16-92

DED DEPRM RP STP TE 140 W/C  
DED DEPRM RP STP TE 149 N/C  
DED DEPRM RP STP TE 149 N/C  
DED DEPRM RP STP TE 150 N/C  
DED DEPRM RP STP TE 151 MT  
DED DEPRM RP STP TE 152 N/C  
DED DEPRM RP STP TE 153 N/C  
DED DEPRM RP STP TE 155 W/C

COUNT 7  
Stonegate at Patapsco (Aerial Property)  
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1  
FINAL TOTALS  
COUNT 9

Rec'd 11/17/92

93-141-A 11-30-92  
Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21204-5500

NOVEMBER 18, 1992 (410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: ANTHONY J. DIBARTOLOMEO AND SUSAN M. DIBARTOLOMEO  
Location: #7838 NORTH COVE ROAD  
Item No.: #140 (JCM) Zoning Agenda: NOVEMBER 9, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John Contestabile*  
Planning Group  
Special Inspection Division

JP/REK

Rec'd 11/17/92



TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
DATE: November 25, 1992

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #140  
7838 North Cove Road  
Zoning Advisory Committee Meeting of November 9, 1992

The Department of Environmental Protection and Resource Management requests an extension for the review of the above referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Division of the Department at 887-2904 for details.

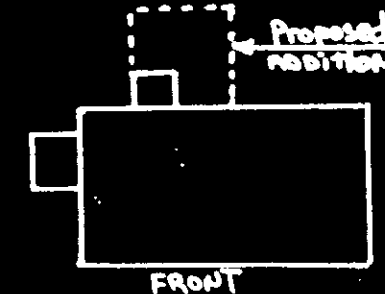
LP:sp

CAVEROAD/TXTSBP

Rec'd 11/30/92

140  
October 1, 1992  
IN THE MATTER OF THE PROPOSED ADDITION  
TO BE BUILT AT 7838 NORTH COVE RD.

93-141-A  
We the undersigned are neighbors of 7838 North Cove Rd. and have no objections to the proposed addition to be built in the rear, encompassing the existing laundry-utility room.



N. COVE Rd

NAME Maria Wild  
ADDRESS 7817 N. Cove Rd.  
PHONE 477-1696  
SIGNATURE \_\_\_\_\_  
NAME Liz Allen  
ADDRESS 7814 N. Cove Rd.  
PHONE 477-2341  
SIGNATURE Elizabeth Allen  
NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
PHONE \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

NAME \_\_\_\_\_  
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SIGNATURE \_\_\_\_\_

93-141-A

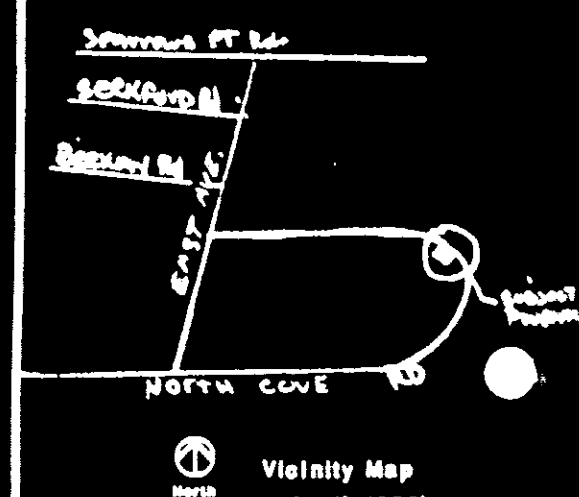
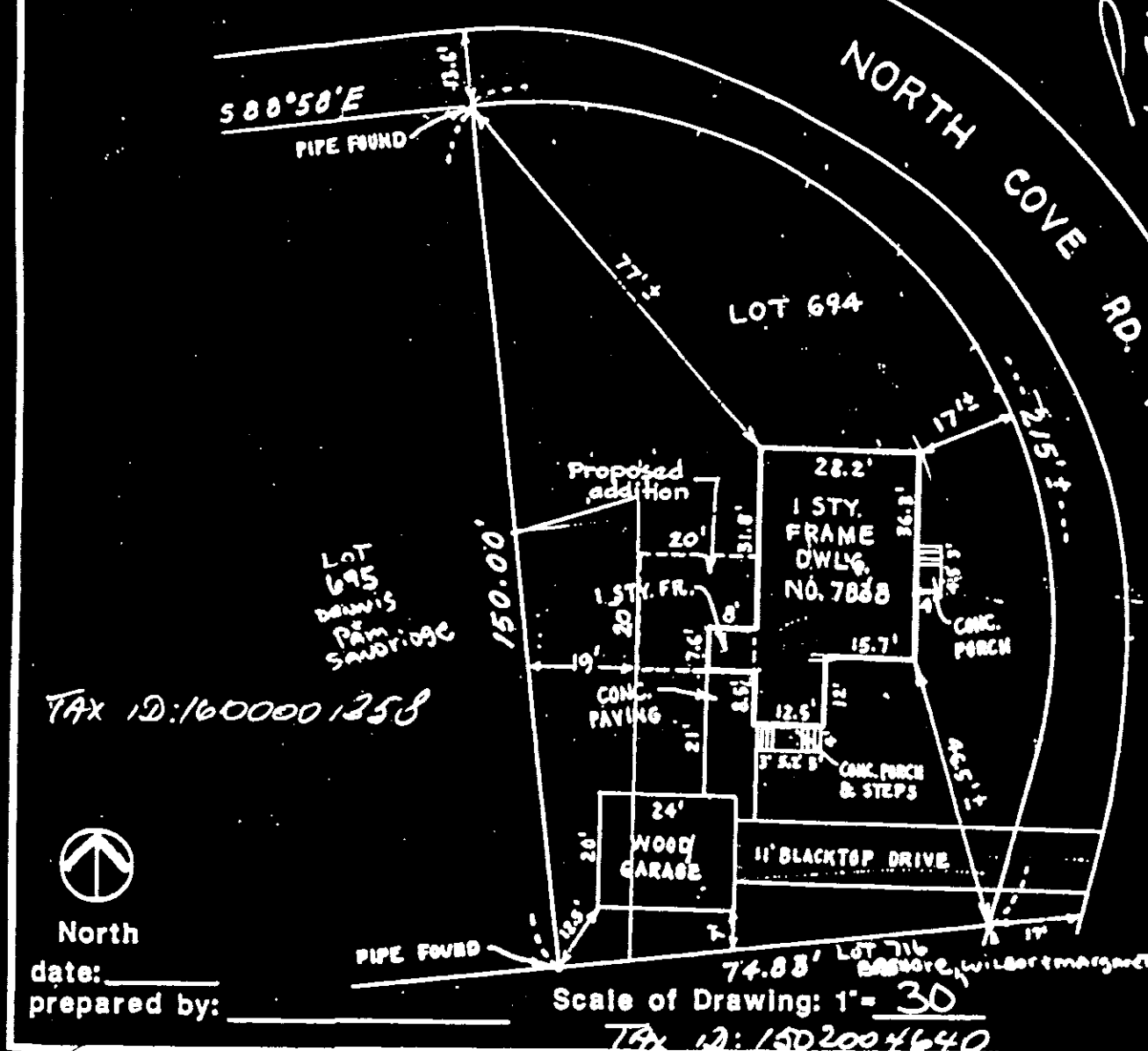
93-141-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 7838 North Cove Rd.

Subdivision name: LODGE FOREST  
plat book# 10 folio# 10 section# 10  
OWNER: Barbara Susan D. Bortolomeo

93-141-A  
Petex No. 1



LOCATION INFORMATION  
Councilmanic District: 7  
Election District: 15  
1"-200' scale map:  
Zoning: DR-5.5  
Lot also: 15,910 square feet  
SEWER: ☒  
WATER: ☒  
Chesapeake Bay Critical Area: ☒  
Prior Zoning Hearings: \_\_\_\_\_

Zoning Office USE ONLY!  
reviewed by: JLP ITEM #: 04860  
140





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE 1" = 200' ±	LOCATION LODGE FOREST	SHEET SE. 71
DATE OF PHOTOGRAPHY JANUARY 1986		